

Message Text

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ACTION EUR-12

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FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 9355

C O N F I D E N T I A L SECTION 01 OF 02 BONN 10653

DEPARTMENT FOR EUR

E.O. 11652: GDS
TAGS: SHUM, GW, US
SUBJECT: HUMAN RIGHTS: COUNTRY ACTION PLAN FOR THE
FRG

REF: STATE 141402

THE EMBASSY HAS REVIEWED THE DEPARTMENT'S PROPOSED
TEXT AS REQUESTED. FOLLOWING IS A TEXT INCORPORATING
CHANGES SUGGESTED BY THIS EMBASSY.

BEGIN TEXT

L. COUNTRY ACTION PLAN - SUBJECT: HUMAN RIGHTS:
FEDERAL REPUBLIC OF GERMANY. (A) CONDITION OF HUMAN
RIGHTS IN THE FEDERAL REPUBLIC OF GERMANY. (1) THE
FEDERAL REPUBLIC HAS, SINCE ITS FOUNDING IN 1949, BEEN
VERY SENSITIVE TO ISSUES INVOLVING HUMAN RIGHTS. TO
A SIGNIFICANT DEGREE THIS CAN BE ATTRIBUTED
TO THE GERMAN EXPERIENCE DURING 1933-45 AND THE
COMMITMENT OF POST-WAR GERMANS NOT TO RELIVE THAT
CHAPTER IN THEIR HISTORY. THE BASIC LAW OF THE FEDERAL
REPUBLIC IS SIMILAR TO THE CONSTITUTION OF THE
UNITED STATES IN THAT INDIVIDUAL RIGHTS ARE FIRMLY
PROTECTED. THE GERMAN RECORD SINCE 1949 HAS BEEN
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EXEMPLARY IN ALL THREE DEFINITIONS OF HUMAN RIGHTS
OUTLINED BY SECRETARY VANCE IN HIS SPEECH AT THE
UNIVERSITY OF GEORGIA (THE RIGHT TO BE FREE FROM
GOVERNMENTAL VIOLATION OF THE INTEGRITY OF THE
PERSON, THE RIGHT TO FULFILLMENT OF VITAL NEEDS, AND
THE RIGHT TO ENJOY CIVIL AND POLITICAL LIBERTY).

2. THE FEDERAL REPUBLIC IS A FREE COUNTRY WITH FULL RESPECT FOR CIVIL AND POLITICAL LIBERTIES. THERE ARE FEW LEGAL RESTRICTIONS ON POLITICAL GROUPS. RADICAL POLITICAL PARTIES THAT ADVOCATE OR ENGAGE IN VIOLENCE ARE PERMITTED TO PARTICIPATE IN LOCAL, STATE AND FEDERAL ELECTIONS. HOWEVER, MEMBERSHIP IN SOME LEGAL BUT RADICAL POLITICAL PARTIES HAS BARRED APPLICANTS FROM CIVIL SERVICE EMPLOYMENT. THIS DISQUALIFICATION HAS BEEN THE SUBJECT OF POLITICAL DEBATE, AS THE CRITERIA FOR DISQUALIFICATION ARE NOT UNIFORMLY ADMINISTERED IN ALL STATES OF THE FRG. FREEDOM OF THE PRESS, MEDIA, PERSONAL MOVEMENT, AND OTHER ESSENTIAL CIVIL LIBERTIES ARE INTEGRAL TO THE GERMAN POLITICAL SYSTEM.

3. THE NATIONAL WEALTH OF THE FEDERAL REPUBLIC IS MORE EQUITABLY DISTRIBUTED THAN THAT OF MOST COUNTRIES, INCLUDING THE U.S. THE SOCIAL WELFARE SYSTEM -- WHICH BEGAN IN THE 1880'S -- IS VERY HIGHLY DEVELOPED. THE FEDERAL REPUBLIC FROM 1950 TO 1976 HAS ASSIMILATED NEARLY 800,000 ETHNIC GERMANS AND OTHER REFUGEES FROM EASTERN EUROPE AND OTHER PARTS OF THE WORLD.

4. WHEN OCCASIONAL EXCESSES BY GERMAN LAW ENFORCEMENT AGENCIES HAVE TAKEN PLACE -- AND THESE HAVE BEEN VERY RARE -- THE RESULTING OUTCRY BY THE MEDIA AND THE HIGHER LEVELS OF GOVERNMENT HAS RECTIFIED THE SITUATION. CONFIDENTIAL

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TION. CONCERN WITH PRESERVING HUMAN RIGHTS IS GENUINE SINCE MOST GERMANS REMEMBER WELL THE HITLER PERIOD.

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5. A NUMBER OF GROUPS FROM OUTSIDE THE FEDERAL REPUBLIC HAVE SURVEYED HUMAN RIGHTS ATTITUDES IN THE FEDERAL REPUBLIC SINCE THE WAR. THE GOVERNMENT DOES NOT APPEAR TO RESENT SUCH MONITORING EFFORTS.

B. ANALYSIS AND RECOMMENDATIONS: (1) THERE IS NO NEED TO CONSIDER U.S. INITIATIVES DESIGNED TO IMPROVE OR MONITOR CONDITIONS IN THE FEDERAL REPUBLIC. GIVEN THE EXCELLENT GERMAN RECORD, SUCH INITIATIVES WOULD BE MISUNDERSTOOD BY GERMAN OFFICIALS, AND WOULD BE COMPLETELY COUNTERPRODUCTIVE IN VIEW BOTH OF THAT RECORD AND THE POST-WAR DEVELOPMENT OF OUR BILATERAL RELATIONSHIP.

(2) IN GENERAL, GERMAN GOVERNMENT AND PRIVATE GROUPS AGREE IN PRINCIPLE WITH THE CARTER ADMINISTRATION'S COMMITMENT TO HUMAN RIGHTS, BUT ARE DUBIOUS ABOUT PUBLICLY PROCLAIMING AN OFFICIAL POSITION CRITICAL OF OTHER COUNTRIES' INTERNAL POLICIES. GERMANY IS A DIVIDED COUNTRY AND BONN HAS BEEN VERY SUCCESSFUL IN IMPLEMENTING QUIET DIPLOMACY TO PROMOTE THE EMIGRATION OF ETHNIC GERMANS FROM EASTERN BLOC COUNTRIES TO THE FEDERAL REPUBLIC.

(3) WITHIN THE FEDERAL REPUBLIC, THE ATTITUDE DESCRIBED ABOVE WILL CONTINUE TO BE SAFEGUARDED.

(4) THE FEDERAL REPUBLIC CAN GENERALLY BE
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EXPECTED TO SUPPORT U.S. HUMAN RIGHTS POLICIES. THE UNIQUE POSITION OF THE GERMANS AS A DIVIDED PEOPLE ENSURES THAT BONN WILL REMAIN SENSITIVE TO THE QUESTION OF HUMAN RIGHTS. AT THE SAME TIME, THIS CONCERN MAY COMPEL THE FEDERAL REPUBLIC TO PURSUE A MORE CAUTIOUS APPROACH TOWARD EASTERN EUROPE.

C. THE FEDERAL REPUBLIC HAS CONSULTED CLOSELY WITH THE U.S. ON CSCE MATTERS BOTH BILATERALLY AND WITHIN NATO. BONN STRONGLY FAVORS THE HELSINKI ACCORDS AND BELIEVES THAT THE HUMAN RIGHTS PROVISIONS OF BASKET III SHOULD BE MEANINGFULLY IMPLEMENTED. WE EXPECT THAT THE SCHMIDT GOVERNMENT WILL ADOPT A MODERATE, NON-CONFRONTATIONAL POSITION AT BELGRADE ON THE HUMAN RIGHTS ISSUE, SINCE IT BELIEVES THAT ITS EASTERN POLICY SIGNIFICANTLY CONTRIBUTES TO ETHNIC GERMAN EMIGRATION TO THE FEDERAL REPUBLIC.

END TEXT
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